

# Section 800



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2016 JUN 14 AM 9:19

June 14, 2016

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *EWP/for*  
Staff Director

FROM: Patricia C. Orrock *PO/nu*  
Chief Compliance Officer

Debbie Chacona *DC/nu*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR*  
Kristin D. Roser/Ben Holly *B.H.*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation -2016  
April Quarterly Report for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 April Quarterly Report in accordance with 52 U.S.C. § 30104(a). The April Quarterly Report was due on April 15, 2016.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a

**2. Send the appropriate letters.**

**2. Send the appropriate letters.**

Federal Election Commission  
Reason to Believe Circulation Report  
2016 APRIL QUARTERLY Not Election Sensitive 04/15/2016 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3062	C00555862	FOUNDATION FOR A GREATER AMERICA INC		JAMES P. HODGINS	\$725,746	1		Not Filed	\$725,746 (est)	\$14,437
3070	C00139964	NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)		JIM PALMER	\$148,972	0	5/17/2016	Not Filed	\$100,456	\$4,950



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3076  
Reason To Believe Recommendation - )  
2016 April Quarterly Report: Whitwell )  
for Congress and Office of Treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 15, 2016, the Commission decided by a vote of 6-0 to take the following actions in AF 3076:

1. Find reason to believe that Whitwell for Congress and Office of Treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be in the amount of \$3,712.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 17, 2016  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 16, 2016

Jim Palmer, in official capacity as Treasurer  
National Association of Wheat Growers Political Action Committee (WHEATPAC)  
415 2nd Street NE, Suite 300  
Washington, DC 20002

C00139964  
AF#: 3070

Dear Mr. Palmer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period January 1, 2016 through March 31, 2016, shall be filed no later than April 15, 2016. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On June 15, 2016, the FEC found that there is reason to believe ("RTB") that National Association of Wheat Growers Political Action Committee (WHEATPAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before April 15, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,950. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,950 is due within forty (40) days of the finding, or by July 25, 2016, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$100,456

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or July 25, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that National Association of Wheat Growers Political Action Committee (WHEATPAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection



Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

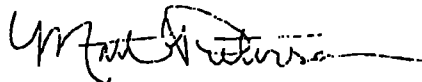
**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,950 for the 2016 April Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC: #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

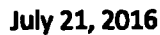
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FOR: National Association of Wheat Growers Political Action Committee (WHEATPAC)

FEC ID#: C00139964

AF#: 3070

PAYMENT DUE DATE: July 25, 2016

PAYMENT AMOUNT DUE: \$4,950



**415 Second Street NE, Suite 300  
Washington DC 20002  
EMAIL: [wheatworld@wheatworld.org](mailto:wheatworld@wheatworld.org)  
PH: 202.547.7800**

RECEIVED  
FEC MAIL CENTER  
2016 JUL 22 PM 12:03

I will first address the penalty. You have calculated receipts as \$ 77,511 when it is actually \$ 38,933. The difference of \$ 38,578 was not a receipt. It was a one-time cash adjustment due to a reporting error on the mid-year 2011 report. Instead of amending that report and the reports that followed, I called the FEC and was given guidance to put it on the following FEC filing on Schedule A with Miscellaneous text (see attached). When you calculate the penalty without this \$ 38,578 for a total level of activity of \$ 61,879 the penalty is actually \$ 2,970. If we would have filed amended reports this would certainly not be included as a receipt during this reporting period. However, we took the advice of the FEC.

**We have always been very diligent about our filings and this is the only time we have been assessed a penalty. It will never happen again. Our PAC is extremely small as is our related affiliated organization. A penalty of any kind will really impact our small budget. This filing was actually very unique because we had a yearly event which generated the most income and expenses ever. We now have very tight controls to prevent any sort of late filing and therefore respectfully ask that all penalties be abated.**

Sincerely,  


**Elizabeth Leith, Treasurer**

**SCHEDULE A (FEC Form 3X)**  
**ITEMIZED RECEIPTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER:  
(check only one)

PAGE 24 OF 26

☐ 11a ☐ 11b ☐ 11c ☐ 12  
☐ 13 ☐ 14 ☐ 15 ☐ 16 ☒ 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

**NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)**

Full Name (Last, First, Middle Initial)

**A. Cash on Hand Adjustment - See Stmt**

Mailing Address 415 2nd ST., NE Suite 300

City State Zip Code  
Washington DC 20002

FEC ID number of contributing  
federal political committee.

**C**

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General  
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

38577.97

Date of Receipt

01 / 01 / 2016

Transaction ID : SA17.4923

Amount of Each Receipt this Period

38577.97

☐ Memo Item

Cash on Hand Adjustment - See Stmt

Full Name (Last, First, Middle Initial)

**B.**

Mailing Address

City State Zip Code

FEC ID number of contributing  
federal political committee.

**C**

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General  
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

Date of Receipt

Amount of Each Receipt this Period

☐ Memo Item

RECEIVED  
U.S. MAIL  
2016 JUL 22 PM 12:05

Full Name (Last, First, Middle Initial)

**C.**

Mailing Address

City State Zip Code

FEC ID number of contributing  
federal political committee.

**C**

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General  
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

Date of Receipt

Amount of Each Receipt this Period

☐ Memo Item

SUBTOTAL of Receipts This Page (optional).....▶

38577.97

TOTAL This Period (last page this line number only).....▶

38577.97

Committee is providing a one time cash adjustment due to a reporting error during prior election cycles (specifically mid year 2011). Contributions were incorrectly reported as contributions AND disbursements on Schedules A & B which decreased the reported cash balance. The income was properly disclosed in prior reports, however the same income was accidentally reported as disbursement in the same reporting period. Instead of amending previous reports, adjustment is made in this report on line 17, Schedule A.

**Form/Schedule:**  
**Transaction ID:**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 24, 2016

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3070 – National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer (C00139964)

**Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,970 civil money penalty.

**Reason-to-Believe Background**

The 2016 April Quarterly Report was due on April 15, 2016. The respondents filed the report on May 17, 2016, 32 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On June 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 April Quarterly Report and made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on June 17, 2016 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee not authorized by a candidate shall file a report for the quarter ending March 31 no later than April 15. 52 U.S.C. § 30104(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Summary of Respondents' Challenge**

On July 22, 2016, the Commission received the written response ("challenge") from the Committee's current Treasurer, Elizabeth Leith. Ms. Leith explained:

The Treasurer at the time, James Palmer was transitioning out of the organization and failed to submit the report. It was actually prepared on time by the staff person who prepares the filing for the CEO. However, the CEO failed to submit the filing and it was not until his last day that I asked if he had submitted the filing. He was under tremendous stress at the time and indicated that he had not and immediately submitted it. (1)

Ms. Leith also explains that \$38,578 of the \$77,511 in total receipts disclosed on the 2016 April Quarterly Report was not activity that occurred during the reporting period; therefore, it should not be considered in the calculation of the civil money penalty. Per the advice of the FEC, the Committee reported a one-time cash adjustment of \$38,578 to correct a reporting error from the 2011 Mid-Year Report. The challenge included copies of the relevant pages from the 2016 April Quarterly Report. The Miscellaneous Text entry states:

Committee is providing a one time cash adjustment due to a reporting error during prior election cycles (specifically mid year 2011 ). Contributions were incorrectly reported as contributions AND disbursements on Schedules A & B which decreased the reported cash balance. The income was properly disclosed in prior reports, however the same income was accidentally reported as disbursement in the same reporting period. Instead of amending previous reports, adjustment is made in this report on line 17. Schedule A. (3)

Ms. Leith concludes by stating this is the Committee's first penalty, and the Committee has implemented controls to assure future compliance. She explains that "a penalty of any kind will really impact [the Committee's] small budget" and requests that the penalty be abated.

### Analysis

The Commission sent multiple emails to "finance@wheatworld.org," the email address listed on the Committee's Statement of Organization, regarding the Committee's requirement to file the 2016 April Quarterly Report. On March 23, 2016, the Commission's Information Division sent an email to remind the Committee of the 2016 April Quarterly reporting requirement. On April 12, 2016, three days before the filing deadline, the Commission's Electronic Filing Office ("EFO") sent a separate reminder email. On April 16, 2016, the day following the filing deadline, EFO sent an email notifying the Committee that it had failed to electronically file the report. On May 3, 2016, RAD sent a non-filer letter via email to again notify the Committee that it had failed to file the report. The respondents did not file the 2016 April Quarterly Report until May 17, 2016, 32 days late.

The Reviewing Officer recognizes the Committee's previous Treasurer may have been preparing to transition out of the organization at the time of the 2016 April Quarterly Report filing deadline. However, the treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). Moreover, negligence and unavailability of the treasurer are both included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. A committee's history of compliance is also not considered. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

With respect to the Treasurer's contention that a portion of the reported activity should not be included when calculating the civil money penalty, the Reviewing Officer concurs. RAD telecoms (written records of telephone conversations) confirm that RAD advised the Committee to correct a cash-on-hand discrepancy by reporting a one-time cash adjustment on Line 17 (Other Federal Receipts) of the 2016 April Quarterly Report. The Committee appropriately reported the \$38,577.97 transaction and explained the adjustment corrected an error made on the 2011 Mid-Year Report.

The 2016 April Quarterly Report discloses \$77,511.98 in total receipts and \$22,945.00 in total disbursements, totaling \$100,456.98 in activity. Considering the \$38,577.97 one-time cash adjustment does not reflect activity that occurred during the 2016 April Quarterly reporting period, the civil money penalty should be calculated based on a level of activity of \$61,879.01. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for a report considered not filed and the level of activity bracket of \$50,000 - \$74,999.99, the civil money penalty is  $\$2,970 \times [1 + (.25 \times 0 \text{ previous violations})]$  or \$2,970.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,970 civil money penalty, reduced from the RTB civil money penalty of \$4,950.

#### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3070 involving National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3070 that National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,970 civil money penalty (reduced from the RTB civil money penalty of \$4,950); and
3. Send the appropriate letter.

#### **Attachments**

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR



### DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to National Association of Wheat Growers Political Action Committee (WHEATPAC):
  - A) Non-Filer Letter, dated May 3, 2016, referencing the 2016 April Quarterly Report (sent via electronic mail to: [finance@wheatworld.org](mailto:finance@wheatworld.org));
  - B) Reason-to-Believe Letter, dated June 16, 2016 referencing the 2016 April Quarterly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that National Association of Wheat Growers Political Action Committee (WHEATPAC) filed the 2016 April Quarterly Report with the Commission on May 17, 2016.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 1<sup>st</sup> day of August, 2016.



Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

RQ-7

May 3, 2016

PALMER, JIM, TREASURER  
NATIONAL ASSOCIATION OF WHEAT GROWERS  
POLITICAL ACTION COMMITTEE  
(WHEATPAC)  
415 2ND STREET, NE SUITE 300  
WASHINGTON, DC 20002

IDENTIFICATION NUMBER: C00139964

REFERENCE: APRIL QUARTERLY REPORT (01/01/2016 - 03/31/2016)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

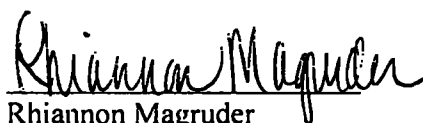
The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll free number (800)424-9530. The analyst's direct number is (202)694-1146.



**DECLARATION OF RHIANNON MAGRUDER**

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A political committee not authorized by a candidate which is filing on a quarterly basis in an election year shall file an April Quarterly Report by April 15. Reports filed electronically must be received and validated at or before 11:59 pm. Eastern Standard/Daylight Time on April 15, 2016 for the 2016 April Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Pages 1-6 and 24 of the 2016 April Quarterly Report filed by National Association of Wheat Growers Political Action Committee (WHEATPAC) on May 17, 2016.
  - b) Statement of Organization filed by National Association of Wheat Growers Political Action Committee (WHEATPAC) on August 17, 2016 disclosing Elizabeth Leith as Treasurer.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 24th day of August, 2016.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

Image# 201605179015517202

PAGE 1 / 26

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)

ADDRESS (number and street) 415 2ND STREET, NE

Check if different  
than previously  
reported. (ACC)

SUITE 300

WASHINGTON

DC

20002

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00139964

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(a) Quarterly Reports:

X April 15  
Quarterly Report (Q1)July 15  
Quarterly Report (Q2)October 15  
Quarterly Report (Q3)January 31  
Year-End Report (YE)July 31 Mid-Year  
Report (Non-election  
Year Only) (MY)Termination Report  
(TER)(c) 12-Day  
PRE-Election  
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of(d) 30-Day  
POST-Election  
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 01 01 2016 through 03 31 2016

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Jim Palmer

Signature of Treasurer Jim Palmer

[Electronically Filed]

Date 05 17 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3X**  
Rev. 12/2004

# **SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

**NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)**

Report Covering the Period: From: 01 01 2016 To: 03 31 2016

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2016		17904.46
(b) Cash on Hand at Beginning of Reporting Period.....	17904.46	
(c) Total Receipts (from Line 19) .....	77511.98	77511.98
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) .....	95416.44	95416.44
7. Total Disbursements (from Line 31) .....	22945.00	22945.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) .....	72471.44	72471.44
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

# **DETAILED SUMMARY PAGE** of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

**NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)**

Report Covering the Period: From: 01 01 2016 To: 03 31 2016

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	29735.00	29735.00
(ii) Unitemized.....	8349.01	8349.01
(iii) TOTAL (add Lines 11(a)(i) and (ii))..... ►	38084.01	38084.01
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	850.00	850.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)..... ►	38934.01	38934.01
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	38577.97	38577.97
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))..... ►	77511.98	77511.98
20. Total Federal Receipts (subtract Line 18(c) from Line 19)..... ►	77511.98	77511.98

# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures .....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....	0.00	0.00
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	7500.00	7500.00
24. Independent Expenditures (use Schedule E).....	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements .....	15445.00	15445.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)).....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	22945.00	22945.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	22945.00	22945.00



**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3) .....	38934.01	38934.01
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	38934.01	38934.01
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) ..... ▶	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) ..... ▶	0.00	0.00

**FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION**

Form/Schedule: F3XN

Transaction ID :

Committee is providing a one time cash adjustment due to a reporting error during prior election cycles (specifically mid year 2011). Contributions were incorrectly reported as contributions AND disbursements on Schedules A & B which decreased the reported cash balance. The income was properly disclosed in prior reports, however the same income was accidentally reported as disbursement in the same reporting period. Instead of amending previous reports, adjustment is made in this report on line 17, Schedule A.

Form/Schedule:

Transaction ID:

**SCHEDULE A (FEC Form 3X)**  
**ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 24 OF 26

(check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
			<input checked="" type="checkbox"/> 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)

Full Name (Last, First, Middle Initial)

**A. Cash on Hand Adjustment - See Stmt**

Mailing Address 415 2nd ST., NE Suite 300

City	State	Zip Code
Washington	DC	20002

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

Primary	General
Other (specify) ▼	

Aggregate Year-to-Date ▼

38577.97

Date of Receipt

01 01 2016

Transaction ID : SA17.4923

Amount of Each Receipt this Period

38577.97

Memo Item

Cash on Hand Adjustment - See Stmt

Full Name (Last, First, Middle Initial)

**B.**

Mailing Address

City	State	Zip Code
------	-------	----------

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

Primary	General
Other (specify) ▼	

Aggregate Year-to-Date ▼

Date of Receipt

Amount of Each Receipt this Period

Memo Item

Full Name (Last, First, Middle Initial)

**C.**

Mailing Address

City	State	Zip Code
------	-------	----------

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

Primary	General
Other (specify) ▼	

Aggregate Year-to-Date ▼

Date of Receipt

Amount of Each Receipt this Period

Memo Item

SUBTOTAL of Receipts This Page (optional)..... ►

38577.97

TOTAL This Period (last page this line number only)..... ►

38577.97

**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)

ADDRESS (number and street) 415 2ND STREET, NE  
(Check if address is changed) SUITE 300  
WASHINGTON DC 20002  
CITY ▲ STATE ▲ ZIP CODE ▲

## COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed) finance@wheatworld.org  
Optional Second E-Mail Address  
finance@wheatworld.org

## COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed) Wheatworld.org

2. DATE 08 16 2016

3. FEC IDENTIFICATION NUMBER ► C C00139964

4. IS THIS STATEMENT NEW (N) OR X AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Elizabeth Leith

Signature of Treasurer Elizabeth Leith [Electronically Filed] Date 08 17 2016

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only				
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For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

**FEC FORM 1**  
(Revised 06/2012)

## 5. TYPE OF COMMITTEE

**Candidate Committee:**

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of  
Candidate

Candidate  
Party Affiliation

Office  
Sought:

House

Senate

President

State

District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of  
Candidate

**Party Committee:**

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

**Political Action Committee (PAC):**

- (e) ☒ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

☒

Trade Association

Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

**Joint Fundraising Representative:**

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

**Committees Participating in Joint Fundraiser**

- |    |               |   |
|----|---------------|---|
| 1. | FEC ID number | C |
| 2. | FEC ID number | C |
| 3. | FEC ID number | C |
| 4. | FEC ID number | C |

Write or Type Committee Name

NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)

## 6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)

Mailing Address 415 2ND STREET, NE  
 SUITE 300  
 WASHINGTON DC 20002  
 CITY STATE ZIP CODE

Relationship: ☒ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

## 7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Elizabeth Leith  
 Mailing Address 415 2nd Street, NE  
 Washington DC 20002  
 Title or Position CITY STATE ZIP CODE  
 CEO Telephone number 202 547 7800

## 8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Elizabeth Leith  
 Mailing Address 415 2nd Street, NE  
 Washington DC 20002  
 Title or Position CITY STATE ZIP CODE  
 Treasurer Telephone number 202 547 7800

Full Name of  
Designated  
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Cardinal Bank

Mailing Address

8270 Greensboro Drive

McLean

VA

22102

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 30, 2016

Elizabeth Leith, Treasurer  
National Association of Wheat Growers  
Political Action Committee (WHEATPAC)  
415 2nd Street, NE Suite 300  
Washington, DC 20002

C00139964  
AF#: 3070

Dear Ms. Leith:

On June 15, 2016, the Federal Election Commission ("Commission") found reason to believe ("RTB") that National Association of Wheat Growers Political Action Committee (WHEATPAC) and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2016 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Rhianon Magruder". The signature is written in a cursive, flowing style.

Rhianon Magruder  
Reviewing Officer  
Office of Administrative Review





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2016 SEP 16 AM 10:18

September 16, 2016

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia C. Orrock *PM for*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3070 – National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer (C00139964)

On June 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 April Quarterly Report and made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 22, 2016, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated August 24, 2016 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,970 civil money penalty, reduced from the RTB civil money penalty of \$4,950.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). The Treasurer has indicated the Committee intends to pay the recommended civil money penalty of \$2,970.

# MISSION

1. Adopt the Reviewing Officer recommendation for AF# 3070 involving National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3070 that National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,970 civil money penalty (reduced from the RTB civil money penalty of \$4,950); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3070  
Final Determination Recommendation: )  
National Association of Wheat Growers )  
Political Action Committee )  
(WHEATPAC) and Elizabeth Leith, in )  
her official capacity as Treasurer )  
(C00139964) )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,  
do hereby certify that on October 03, 2016, the Commission decided by a vote  
of 5-1 to take the following actions in AF# 3070:

1. Adopt the Reviewing Officer Recommendation for AF# 3070 involving National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3070 that National Association of Wheat Growers Political Action Committee (WHEATPAC) and Elizabeth Leith, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,970 civil money penalty (reduced from the RTB civil money penalty of \$4,950).
3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, and Weintraub voted affirmatively for the decision. Commissioner Walther dissented.

Attest:

October 5, 2016  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 2016

Elizabeth Leith, Treasurer  
National Association of Wheat Growers  
Political Action Committee (WHEATPAC)  
415 2nd Street, NE Suite 300  
Washington, DC 20002

C00139964  
AF#: 3070

Dear Ms. Leith:

On June 15, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that National Association of Wheat Growers Political Action Committee (WHEATPAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2016 April Quarterly Report. By letter dated June 17, 2016, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,950 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 22, 2016, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty, make a final determination that National Association of Wheat Growers Political Action Committee (WHEATPAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$2,970 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on August 30, 2016.

On October 3, 2016, the Commission adopted the Reviewing Officer's recommendation and made a final determination that National Association of Wheat Growers Political Action Committee (WHEATPAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$2,970 (reduced from the RTB civil money penalty of \$4,950). A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

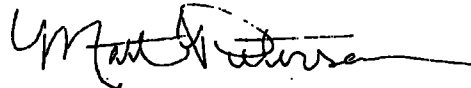
**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen  
Chair

-----  
**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,970 for the 2016 April Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: National Association of Wheat Growers Political Action Committee (WHEATPAC)

FEC ID#: C00139964

AF#: 3070

PAYMENT AMOUNT DUE: \$2,970

100-103410-10